

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

KAREN M. BAUER, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

PRUDENTIAL FINANCIAL, INC. et al.,

Defendants.

NOAH HADDOCK, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

PRUDENTIAL FINANCIAL, INC. et al.,

Defendants.

**ORDER**

Civil Action No.: 09-1120 (JLL)

Civil Action No.: 09-1771 (JLL)

Currently before this Court is a motion to dismiss filed by the “Prudential Defendants”<sup>1</sup> and a motion to dismiss filed by the “Underwriter Defendants.”<sup>2</sup> For the reasons set forth in this Court’s corresponding Opinion,

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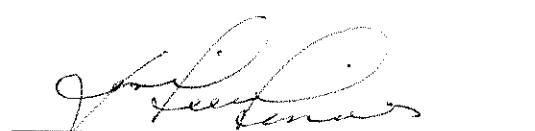
<sup>1</sup> Prudential Financial, Inc., Arthur F. Ryan, Richard J. Carbone, Peter B. Sayre, Dennis G. Sullivan, Frederic K. Becker, Gordon M. Bethune, Gaston Caperton, Gilbert F. Casellas, James G. Cullen, William H. Gray III, Jon F. Hanson, Constance J. Horner, Karl J. Krapeck, and James A. Unruh.

<sup>2</sup> Citigroup Global Markets Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated, Morgan Stanley & Co., Incorporated, UBS Securities LLC, Wachovia Capital Markets, LLC, Banc of America Securities LLC, RBC Capital Markets Corporation, and J.P. Morgan Securities Inc.

It is on this 29<sup>th</sup> day of June, 2010,

**ORDERED** that the Prudential Defendants' motion (CM/ECF No. 72) and the Underwriter Defendants' motion (CM/ECF No. 73) are GRANTED in part and DENIED in part. They are GRANTED with respect to Plaintiff's § 11 claim related to pending litigation statements; this claim is dismissed without prejudice. The motions are DENIED in all other respects; and it is further

**ORDERED** that Plaintiff may file an amended complaint to cure the deficiency in the claim related to misstatements of pending litigation within twenty (20) days of the date of this Order. Failure to file an amendment within this time will result in the claim being dismissed with prejudice.



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Jose L. Linares,  
United States District Judge